

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

L. CHRISTOPHER CLEARY,)
Plaintiff)
)
v.)
)
BOSTON HARBOR CRUISES, INC.,)
Defendant)

PARTIES

1. The Plaintiff, L. CHRISTOPHER CLEARY, resides in Boston, Massachusetts and at all times hereinafter referred to, was a member of the crew of the M/V SALACIA.
2. The Defendant, BOSTON HARBOR CRUISES, INC., is a duly organized company existing under the laws of Massachusetts with a principal place of business at 26 Atlantic Avenue in Boston, Massachusetts, and at all times hereinafter referred to, owned, operated and/or controlled the M/V SALACIA which did business in the Commonwealth of Massachusetts and employed the Plaintiff.
3. The plaintiff, L. Christopher Cleary was employed by the defendant, Boston Harbor Cruises, Inc. and served as a Jones Act seaman and member of the crew aboard the M/V SALACIA and its fleet of accompanying vessels owned, operated or controlled by the defendant at all times relevant to this complaint.

JURISDICTION

4. This is a case of maritime jurisdiction pursuant to 28 U.S.C. § 1333(1).

FACTUAL ALLEGATIONS

5. On or about March 17, 2017, the Plaintiff, L. Christopher Cleary was injured while

serving as a member of the crew of the M/V SALACIA. This injury was caused by the negligence and/or unseaworthiness of the vessel, its agents, servants, and/or employees. On that date, the M/V SALACIA on her approach to Rowes Wharf in Boston to begin the evening commuter voyages to Hingham, Massachusetts. The plaintiff was manning the spring line (a line which was used to stop the vessel and use it as a maneuvering point in docking), the line became caught in a gap in the deck rail which caused the plaintiff's left hand to become trapped between the spring line and the deck railing crushing it as the line absorbed the forward inertia of the vessel and brought her to a stop. As a result, the plaintiff's left small finger and left ring finger were amputated.

COUNT I

Jones Act - Negligence

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6. Paragraphs 1-5 are adopted by reference.
7. The injuries sustained by the plaintiff L. Christopher Cleary were not caused by any fault on his part, but were caused by the negligence of the defendant, its agents, or servants as follows:
 - a. failure to use due care to provide and maintain a seaworthy vessel with safe and proper appliances;
 - b. failure to use due care to make reasonable and periodic inspection of said vessel, its equipment and appliances;
 - c. failure to use due care to furnish the plaintiff with a reasonably safe place in which to perform his work;
 - d. failure and negligence of fellow employees; and,
 - e. failure and negligence in other respects that will be shown at the trial.

8. As a result of the said injuries, the plaintiff, L. Christopher Cleary has suffered great pain of body and anguish of mind, was prevented from performing his usual duties, incurred medical and hospital expenses, and has suffered and will suffer other damages that will be shown at trial.
9. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act. 46 U.S.C § 30104.

REQUEST FOR RELIEF

For these reasons, the plaintiff demands as follows:

1. That this court enter judgment in his favor against the defendants.
2. That this court enter such other and further relief as it deems appropriate.

COUNT II

General Maritime Law- Unseaworthiness
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10. Paragraphs 1-9 are adopted by reference.
11. The injuries sustained by the plaintiff, L. Christopher Cleary were caused by the unseaworthiness of defendant's vessel, its appliances, appurtenances, and equipment.
12. As a result of the said injuries, the plaintiff, L. Christopher Cleary has suffered great pain of body and anguish of mind, lost a great deal of time from his usual work, incurred medical and hospital expenses, and has suffered and will continue to suffer other damages that will be shown at trial.
13. This cause of action is brought under the General Maritime Law based upon unseaworthiness and is for the same cause of action as Count I.

REQUEST FOR RELIEF

For these reasons, the plaintiff demands as follows:

1. That this court enter judgment in his favor against the defendants.
2. That this court enter such other and further relief as it deems appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS

Respectfully submitted,
By his attorney,

/s/ Thomas M. Bond
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I certify that a true copy of the above document was
served upon each attorney of record by ECF on
April 16, 2019.

/s/ Thomas M. Bond